

# Umqulu Wencazelo NgoCwaningo Lokungenzeka Emvelweni Obhalwe ngesiZulu

## Environmental Impact Assessment (EIA) Guide – English

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## INHLOSO – AIM

Lencwadi ibhalwe ukulekelela noma ukusiza abantu ukuthi baqonde uhlelo loCwaningo Lokungenzeka Emvelweni ukuze bakwazi ukubamba iqhaza ngendlela enohlonze kuloluhlelo olwenziwa uma kuzolethwa intuthuko ikakhulukazi lapho intuthuko ifika nomthelela ongemuhle emvelweni (ubunjalo bendawo), inhlalakahle kanye nosiko-mpilo lomphakathi.

Uhlelo lokuxhumana nemiphakathi Ocwaningweni Lokungenzeka Emvelweni lubaluleke kakhulu ngoba uHulumeni waseNingizimu Afrika ukhipha izinqumo zokuvumela (noma ukuvimba) intuthulo ngokubheka okutholakele Ocwaningweni Lokungenzeka Emvelweni (imiphumela yoCwaningo). Uma umbiko Wocwaningo Lokungenzeka Emvelweni ungequkethe Imibono yabantu (yomphakathi) – izinkolo zabo, abakuncamelayo (abakuthandayo) nezigwebo (ukwahlulela) [njengokulawulwa umthetho wezwe]-kungenzeka ukuthi leyontuthuko ehlongozwayo ifike (ilethe) imithelela engemihle kubahlali baleyo ndawo, ikakhulukazi uma lowomphakathi uhluphekile noma umpisholo. Lokhu kuphikisana noma kuphambene nokulotshwe kuMthetho Olawula Ukuphathwa Kwezemvelo (National Environmental Management Act, 1998) ngamafuphi iNEMA kanye noMthethosisekelo wezwe laseNingizimu Afrika.

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*This Guide has been written to assist people understand Environmental Impact Assessment (EIA) so that they are able to participate more meaningfully in the EIA processes conducted for projects, especially where projects may negatively affect their environment, health and well-being.*

*Public participation in EIAs is important because decisions made by our government to approve projects are based on the findings of an EIA. If an EIA report does not contain people's input – their values, preferences and judgements (as our law requires), – then it is likely that the project will cause an unfair distribution of adverse (bad, negative) impacts on local residents, especially if they are already vulnerable and disadvantaged. This will result in environmental injustice which is contrary to the National Environmental Management Act, 1998 (NEMA) and South Africa's Constitution.*

## 1. YINI I- EIA? *What is “EIA”?*

Lezizinhlamvu ‘E-I-A’ zimele uEnvironmental-Impact-Assessment. Ngesizulu iEIA Ucwango Lokungenzeka Emvelweni. Ucwango Lokungenzeka Emvelweni lubikezela luphinde lucwange imithelela emihle kanye nemibi engafika nentuthuko ehlongozwayo engase ithinte imvelo nabantu (nomphakathi) kanjalo nenhlalakahle nosikompilo (nosiko) lwendawo.

Ucwango Lokungenzeka Emvelweni lungabuye lutuse (luncome/luphakamise) izindlela zokugwema ukuthi imithelela emibi yentuthuko ehlongozwayo ukuthi ingenzeki. Lapho imithelela emibi ingeke ivimbeke (igwemeke), Ucwango Lokungenzeka Emvelweni kumele luphakamise izindlela zokuthi leyomthelela emibi nobungozi bayo bungabi bukhulu kakhulu noma kungalimazi imvelo kakhulu. Lezi ziphakamiso nezincwadi zibizwa Ngezinyathelo Zokunciphisa Imithelela Engemihle.

Ucwango Lokungenzeka Emvelweni kumele luphakamise nezindlela zokwandisa (zokwengeza/ zokukhulisa/ qhakambisa) lokhu okuhle okuza nomsebenzi ohlongozwayo.

Sizobe sesibheka kanzulu amagama aphantelene noCwango Lokungenzeka Emvelweni ngokunikeza izibonelo.

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*E-I-A is short for the English words Environmental - Impact - Assessment. Put these words together, and EIA means a study that predicts and assesses the positive (good) and negative (bad) impacts that a development, project or activity is likely to have on the environment and on people – their health and well-being, their livelihoods and their culture.*

*An EIA also recommends measures, options to avoid the negative (bad) impacts of the development, project, or activity from occurring. Where it is not possible to avoid negative (bad) impacts, the EIA has to recommend measures to minimise the size (significance) of the impacts and remedy the damage caused. These recommendations are called mitigation measures.*

*An EIA should also recommend (suggest, propose) ways (measures, options) on how to enhance (improve, increase, make better) the positive (good) impacts (benefits) of a project (development, activity).*

*We now look at these EIA concepts in more detail using examples.*

## **2. YINI IMVELO? *What is the “ENVIRONMENT”?***

Imvelo umhlaba, umoya, amanzi, izilwane, izihlahla, ukuphilisana kwezilwane nemvelo lokho okuqukethe yonke indawo lapho abantu behlala khona, impilonhle nenhlalakahle nesikho.

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*The environment is the land, the air, the water and all living animals and plants and ecosystems – all the natural things - that make up the surroundings in which people live and which affect their health and well-being.*

## **3. YINI UMTHELELA? *What is an “IMPACT”?***

Umthelela ushintsho olwenziwa intuthuko emvelweni, emphakathini, isendleleni abantu abaphila ngayo, isezizindeneni ezingamagugu nezamasiko.

- **Imithelela ingaba mihle iphinde ibe mibi.**

- Umthelela omuhle uchaza ushintsho oluhle oluzokwenziwa intuthuko. Kwesinye isikhathi umthelela omuhle ubizwa ngomhlomulo noma inzuzo.
- Umthelela omubi uchaza ushintsho olungeluhle oludalwa yintuthuko ehlongoziwe.

- **Imithelela ingahluka ngobukhulu bayo**

- Eminye imithelela ingaba mikhulu kakhulu okusho ukuthi ingenza ushintsho olukhulu.
- Eminye imithelela mincane okusho ukuthi noshintsho oluzokwenzeka luzoba luncane.

- **Imithelela Enqwabelanayo**

Ngesinye isikhathi imithelela emincane eminingi ingagcina isidale ukuthi kube khona umthelela owodwa omkhulu. Lokhu kubizwa ngoMthelela Onqwabelanayo.

- Uma sibheka imililo emncane eminingi endaweni encane, uma uwubheka ngamunye ungadala intuthu nokudungeka komoya okungenawo umthelela omkhulu. Kodwa uma uyibuka ngokuyihlanganisa lemililo ingadala ukudungeka komoya okukhulu okungase kushintshe kakhulu isimo somoya endaweni.

- Imisebenzi eminingi eletha intuthuko ingadala ukuthi kulahleke izindawo zamadlelo Umsebenzi owodwa awunawo umthelela omkhulu kodwa uma seyihlangene iminingi ingadala ukulahleka kotshani obuningi emadlelweni.

- **Imithelela kungaba eyesikhashana, noma isikhathi eside noma ungunaphakade**

- Isibonelo somthelela wesikhashana ubungozi obudalwa umsele wepayipi obungadala ukulimala kwemfuyo nomphakathi. Uma ipayipi selifakiwe phansi lagqitshwa, lobobungozi buyashabalala.
- Isibonelo somthelela wesikhathi eside noma ungunaphakade ukunqunywa kwehlathi ukuze kwakhiwe izimboni. Uma izihlahla sezisusiwe nezinye izitshalo, kwakhiwa imboni, angeke liphinde libe khona lehlathi. Umonakalo odalekile usuminjalo noma usungunaphakade.

- **Imithelela ingaba esizeni ngqo, noma endaweni eyakhele umsebenzi, noma esifundazweni.**

Eminye imithelela yenzeka kuphela kulendawo ekusetshenzwa kuyona (ekulethwe kuyo intuthuko). Umzekelo; ukulahlekelwa idlelo. Eminye imithelela ingaphakeleka ezindaweni eziseduzane, umphakathi wonke noma esifundeni sonke. Umzekelo; uma kungcola umfula eminye imiphakathi ephuza amanzi angenzansi kwalowo mfula ingazithola ithintekile nayo.

- **Imithelela ivamise ukuhlangana (xhumana) kweminye**

Uma sibheka uthuli oluvela emgodini (emayini/umtapo) wamalahle ungangcolisa amanzi emvula aqoqeleka emathangini emizini yabantu. Ukungcola noma ukudungeka kwalamanzi kwenza ukuthi amanzi angaphuzeki. Lokhu kudala ukuthi umphakathi uzithole sewuthenga amanzi. Lawo manzi angcolile angeke aphuzeke ngisho nemfuyo angeke iwaphuze. Lokhu kudala ukuthi umphakathi ulahlekelwe imfuyo. Nezitshalo angeke zikhule uma kusetshenziswa amanzi angcolile. Kugcina kudale ukuthi umphakathi uzithole sewukhokha kakhulu ukuze ukwazi ukuziphilisa. Loluthuli lungaphinde lugulise abantu okwandisa izindleko zokuya emtholampilo noma esibhedlela.

Ngakho ke, ukudungeka kwamanzi akulimazi abantu nemfuyo ngokwempilo kuphela kodwa kugcina kunomthelela nasephaketheni (emnothweni) walowo mphakathi.

- **Imithelela ingenzeka kuzo zonke izigaba zomsebenzi olethe intuthuko**

Isibonelo esingasibheka imithelela eqhamuka uma kumbiwa amalahle ingenzeka ekuqaleni kusabhekwa ukuthi umhlaba ozombhiwa unani. Ingenzeka futhi uma sekumbiwa, sekwakhiwa, sekusetshenzwa, nangesikhathi imayini seyivalwa nanoma sekuvuselelwa indawo (seyibuyiselwa esimeni eyayikuso ngaphambi kokuthuthukiswa).

- **Iqagulwa Kanjani Imithelela?**

Njengoba umsebenzi usuke ungakaqali uma kwenziwa Ucwaningo Lokungenzeka Emvelweni, akekho ongasho ngesiqiniseko ukuthi imithelela izoba yini nokuthi izoba ngakanani.

Ongcweti bezemvelo kanye nezikhulu zaHulumeni zinalo ikhono nolwazi lokuqagula ukuthi imiphi imithelela engenzeka.

Abahlali basendaweni nabo banolwazi olunzulo lokukwazi ukuqagula ukuthi imiphi imithelelea engaba nobungozi emphakathini wabo. Kwesinye isikhathi kuyatholakala ukuthi umphakathi usuke wehlekelwa into abayaziyo noma ecishe ifane nokwenzeka ngesikhathi kwenzeka intuthuko ecishe ifane endaweni.

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An impact is the change that a development, project or activity has on the natural environment, people and cultural heritage.

- **Impacts can be positive (good) and negative (bad).**

- A positive impact is a good change caused by the project. It can also be called a benefit.
- A negative impact is a bad (adverse) change caused by the project.

- **Impacts can vary in size (significance, magnitude severity).**

- Some impacts are significant, which means they are large and can cause a big change.
- Some impacts are small, and therefore, will bring a small change.

- **Cumulative Impacts**

Sometimes, lots of small changes or impacts together make a big change. These are called cumulative impacts.

- For example, lots of small fires in a town (village) each make (cause) a small amount of smoke and air pollution. But together, these small fires make (cause) a lot of pollution – they significantly change the air quality in the area.
- Lots of small projects may result in loss of natural veld and grazing land. Each project is small on its own but together (cumulatively), they cause a large area of grazing land to be destroyed.

- **Impacts may be temporary (short), prolonged (long-lasting, for many years) or permanent (forever).**

- An example of a temporary impact is the increase in danger to people and livestock (cattle, goats) because of an open trench that is dug for a pipeline. Once the pipe has been laid and the trench is filled in, this impact disappears.
- An example of a permanent impact is the clearing of a forest to make way for a factory. Once the trees are chopped down and all the plants cleared and the factory is built, the loss of the forest is permanent.

- **Impacts can be site specific, local or regional?**

Some impacts may only happen at the site of the project (the development). For example, the loss of a field. Other impacts may be experienced locally, for example, a whole community or village may experience polluted drinking water. Other impacts be experienced regionally, for example, a long stretch of river may be polluted and affect a whole region.

- **Impacts are often linked (interrelated, related) to each other.**

An example is dust from a coal mine which may pollute the rainwater collected in tanks at people's houses. Because this water is too dirty to drink, people have to buy drinking water which costs them money. The water also cannot be used for livestock (e.g. goats, cattle,

sheep) so people cannot keep any animals and they cannot use the dirty water to grow vegetables. This means they have to spend more money on buying food. The dust also makes people sick and they have to pay for transport to go to the clinic and hospital. So, not only can dust pollute the drinking water and the air and make people sick, it can also make people poorer.

- **Impacts can happen at all the stages (times) of the project.**

For example, for an open cast coal mine, impacts can happen (occur) when a mining company is prospecting (looking, searching, drilling) for coal, or during construction, operation (mining), decommissioning (closure) and rehabilitation.

- **How are impacts identified?**

Because the project has NOT yet started when an EIA is done, no one can be 100% sure (certain) of what the impacts will be or how large they will be.

Environmental experts and government officials because of their training and their experience, should be good at predicting (guessing, foretelling, imagining) what these impacts will be.

Local residents are also good at identifying (predicting) what impacts will be because they live in the area and understand (know) their environment, livelihoods and culture very well. Sometimes, they may have even seen or experienced the same impacts from other existing projects.

#### **4. KUYINI UKUNCIPHISWA KWEMITHELELA? *What is “MITIGATION”?***

Isizathu esibalulekile (esisemqoka) esidala ukuthi kwenziwe Ucwangingo Lokungenzeka Emvelweni ukuthi kukhonjwe (kuqagulwe) imithelela yentuthuko ezokwenziwa endaweni, isemvelweni, emphakathini nasezindaweni zamasiko ngaphambi kokuthi umsebenzi uqale. Lokhu kwenzelwa ukuthi lemithelela ivinjwe noma incishiswe ukuze umsebenzi olethe intuthuko ungabi nobungozi obeqile emphakathini nasemvelweni. Emva kwalokhu kumele kuqinisekiswa ukuthi imithelela emihle yandiswe.



Ukuvimba noma ukugwema umthelela kwenzeka ngokushintsha indawo lapho intuthuko ihlongozwe khona. Lokhu kungenzeka ngokushintsha indawo ukuze kunciphe ubungozi, ukuhlela kabusha indlela eme ngayo kanye nesikhathi sokuqaliswa kwayo.

Ake sibheke ezinye izibonelo:

- Kuyenzeka ipayipi lisuswe lapho lizodala umonakalo omkhulu khona ukuze lingaphazamisi amathuna noma amadlelo.
- Ukusetshenziswa kwemishini kugweme ukusebenzisa iziqhumane ukukhipha amalahle emgodini.
- Isikhathi sokuqala umsebenzi singashintshwa ukuvimba ukuphazamisa izitshalo noma isivuno. Ukumbiwa kwemisele yamapayipi kungalinda kuphele isikhathi sokuvuna.

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One of the main reasons for doing an EIA is to identify the impacts of the project on the environment, people and cultural heritage before the project starts and to see if these impacts can be either avoided (prevented) or if they cannot be avoided, if they can be mitigated (reduced, made smaller) to make the project less harmful on the environment, people and cultural heritage, as well as to maximise the benefits (good or positive impacts) of the project.

Avoiding an impact can be achieved by changing the project in some way, for example, its location (by moving it), its design, its layout, or its timing (scheduling, programme).

**For Example:**

- It may be possible to move a pipeline to avoid damaging fields and graves.
- It may be possible to use machines rather than blasting with explosives to extract coal from the ground.
- It may be possible to start the project at a certain time of year to avoid damaging crops, for example, digging the trenches for the pipeline after the growing season has finished.

## **5. KUYINI UKUCWANINGA? *What is an “ASSESSMENT”?***

Ucwangingo uhlelo loluqagula nokukala ubungako bemithelela enokwenzeka engadalwa iphrojekthi, ngokubhekelela ukuthi:

- Mihle noma mibi
- Mikhulu, iphakathi nendawo noma mincane
- Iyaqongelelana noma inqwabelane
- Eyesikhashane, eyesikhathi eside, eminjalo
- Iqonde indawo ekusetshenzwa kuyo, eseduzane noma esesifundeni
- Izokwenzeka ngempela noma mancane amathuba okuthi yenzeke

**Izilinganiso zokunciphisa imithelela zisuke zenzelwa ukunciphisa imithelela emibi esuke iqaguliwe.**

**Imithelela iphinde icutshungulwe (idingidwe) ukuze kutholakale ukuthi izilinganiso zokuyinciphisa zizosebenza yini (na). Uma isincishisiwe, imithelela:**

- Izoba mihle noma ibe mibi?
- Izoba mikhulu, ibe phakathi nendawo noma ibe mincane?
- Izoqongelelane noma inqwabelane?
- Izoba eyesikhashane, eyesikhathi eside, eminjalo?
- Izoba endaweni ekusetshenzwa kuyo, iseduzane noma isesifundeni
- Izokwenzeka ngempela noma mancane amathuba okuthi yenzeke?

**Izilinganiso zokunciphisa kumele zinciphise imithelela emibi, incishiselwe ezingeni elamukelekayo (elivumelekile).**

Umbiko woCwangingo Lokungenzeka Emvelweni kumele ubeke ngokucacile nangeqiniso ukuthi imithelela iyagwemeka noma ingancishiswa na. Lolulwazi lubalulekile ngoba lunikeza onegunya lokuthatha isinqumo ukuthi agunyaze noma angayigunyazi intuthuko ehlongozwayo.

Eminye imisebenzi inobungozi obukhulu ngalendlela yokuthi imvume yokuthi iqhubeke ayikhiswa nhlobo.

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An assessment is a study that identifies and rates (measures) the potential (possible) impacts of a project to determine (tell) whether they are:

- Positive (good) or negative (bad)?
- Big, medium or small?
- Cumulative?
- Short, long or permanent (forever)?
- Site-specific, local or regional?
- Definitely going to happen or there is only a small chance of happening?

**Mitigation measures are identified to reduce the negative impacts that have been identified.**

The impacts are assessed (rated, measured) again to determine (tell) how successful the mitigation measures will be either to avoid the impacts completely, or at least reduce (make smaller) the impacts. With mitigation, will impacts still be:

- Positive (good) or negative (bad)?
- Big, medium or small?
- Cumulative?
- Short, long or permanent (forever)?
- Site-specific, local or regional?
- Definitely going to happen or there is only a small chance of them happening?

**The mitigation measures should reduce the negative impacts to an acceptable level.**

The EIA should be clear and honest about whether it is possible or not possible to avoid or reduce negative impacts. This information is important as it allows the competent authority (the government department making the decision) to decide whether to approve the project or not.

Some projects are so harmful to the environment that they should not be allowed (authorised, permitted) to go ahead (commence, proceed, start).

## 6. **IQAGULWA KANJANI FUTHI INCISHISWE KANJANI IMITHELELA OCWANINGWENI?** *How do you identify impacts and mitigation measures in an EIA?*

Iphrojekthi ngayinye izoba nohlu lwemithelela kanye nezinyathelo zokunciphisa ngoba iphrojekthi ngayinye ihlukile futhi indawo ngayinye ihlukile. Ezinye izindawo kanye nemiphakathi izwela kakhulu kuneminye.

Ngoba usuyayazi futhi uyijwayele indawo yangakini, kuyindaba yokubikezela nokucabanga ukuthi kuyokwenzekalani uma iphrojekthi iza endaweni yangakini. Imibuzo okumele uyibuze yile elandelayo:

- Yini imithelela, izinguquko noma ushintsho oluzobakhona?
- Imiphi kulemithelela ebalulekile noma esemqoka?
- Yini okumele yenziwe ukuvimbela (ukugwema) lemithelela ukuthi yenzeke (ingenzeki)?
- Uma zingenakugwenywa, yini engenziwa ukunciphisa umthelela futhi kulungiswe unomonakalo?
- Futhi, yini engenziwa ukuthuthukisa (ukwenzangcono) imithelela emihle (imihlomulo) kulephrojekthi?
- Ucabanga ukuthi iphrojekthi kufanele igunyazwe noma cha? Uma uthi cha, ngobani?

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Each project will have its own set of impacts and mitigation measures because each project is different, and each environment (area) is different. Some environments and communities are more sensitive than others.

Because you already are familiar with your environment, it is a matter of predicting what will happen if a project comes to your area. The questions you should ask are:

- What will the impacts (changes) be?
- Which of these impacts are likely to be significant (important)?
- What should be done to prevent (stop) these impacts from happening (occurring)?
- If they cannot be avoided, what can be done to reduce the impacts and fix the damage?
- Also, what can be done to enhance (improve) the positive impacts (benefits) of the project?
- Do you think the project should be approved or not? And if not, why?

**Amacebo (izeluleko) okukhomba imithelela nokubhekisisa Amandla  
(ukuphumelela, impumelelo, ukusebenza kahle) kwezinyathelo  
zokunciphisa:**

1. Qiniseka ukuthi unikeziwe ulwazi olwanele nge phrojekthi, Izibonelo:
  - Izoya kuphi (izobekwaphi, indawo ezoba kuyo)?
  - Ingakanani ngobukhulu? Izodinga umhlaba ongakanani?
  - Izodinga ukubiyelwa yini? Futhi izoya kuphi (ukubekwa, lapho ezomiswa khona)?
  - Kuzothatha isikhathi esingakanani ukwakhiwa kwayo?
  - Izoba khona lapha kuze kube phakade noma isikhashana nje esilinganisiwe? Iminyaka emingaki?
  - Ibukeka kanjani? Zinjani zonke izingxenye zayo, kubalwa imizila yokufinyelela, uthango, nasezintanjeni zikagesi?
  - Izokwakhiwa kanjani?
  - Izokwakhiwa nini?
  - Izodinga amanzi amangakanani? Azotholakala kuphi lawomanzi?
  - Izodinga amandla kagesi amangakanani? Lamandla kagesi azotholakala kuphi?
  - Ikuphi ukungcoliseka (kwamanzi, kodoti, komoya) ezokwenza? Konke lokungcola nodoti kuzoyiswaphi?
  - Bangakanani abantu abazothola amathuba omsebenzi uma sekwakhiwa? Hlobo luni lomsebenzi ozotholakala?
  - Bangakanani abantu abazoqashwa uma sekuqala umsebenzi? Hloboluni lomsebenzi ozovela?
2. Uma unganikiwe imininingwane mayelana nale phrojekthi, buza ngencazelo eqinisekile mayelana nale phrojekthi khona uzothola ukuyiqondisisa kahle. Lokhu kudingeka ukuthi ukwenze ngasekuqaleni koCwaningo Lokungenzeka Emvelweni.
3. Cela ukuvakashela indawo yomsebenzi ukuze uqiniseke ukuthi zonke lezizinto uzibonela wena mathupha.
4. Cela ibalazwe nemidwebo ukuthi inikezelwe kuwe.
5. Cela lonke ulwazi ukuthi lunikezelwe kuwe ngolimi lwakho.

6. Cella ababhekene noCwaningo noChwepheshe ukuthi bakhambise endaweni bakubonise izinto okubalulekile kakhulu ukuthi uzibone uzazi (njengezindlu, amathuna, amasimu, amasonto, izikole, izindawo ezibalulekile, amaxhaphozi, imithombo yamanzi, amadlelo, ukuthi abantu baziphilisa kanjani). Lokhu kuzoqinisekisa ukuthi uChwepheshe Wocwaningo Lwemvelo noChwepheshe bayayazi kahle lendawo. Ngaphandle kwalolulwazi, ngeke baze bakwazi ukuqagula yonke imithelela engabakhona.
7. Cella ababhekene noCwaningo ukuthi bakhlinzeke ngezexwayiso, izincwadi nemibiko ngeSingisi nangesiZulu.
8. Cella imiqulu yemibiko ukuze ube nesikhathi sokuyifunda kahle.
9. Cella imihlangano noChwepheshe Wocwaningo Lwemvelo ukukuchazela ngemibiko ngolimi lwakho lwendabuko, ngesiZulu.
10. Bamba imihlangano nomakhelwane bakho namanye amalunga omphakathi nixoxisane ngemithelela nezindlela zokunciphisa imithelela.
11. Thumela imibono yakho ngokubhalela uChwepheshe Wocwaningo Lwemvelo, uma kunzima ukufunda, ukubhala noma ukuqondisisa isingisi, cella imihlangano. uChwepheshe Wocwaningo Lwemvelo kumele athathe amaminithi omhlangano neminingwane yalokho okushoyo abhekisise izimvo zakho embikweni Wocwaningo Lwemvelo.
12. Cella impendulo ekhombisa ukuthi izimvo zakho zibhekeleke kanjani embikweni woChwepheshe Wocwaningo Lwemvelo.

***Futhi thola namacebo ngokubambiqhaza komphakathi - ukuthi kufanele kube nini noma kanjani ukubamba iqhaza ezinqubeni zoChwepheshe Wocwaningo Lwemvelo.***

### **Advice (tips) for identifying impacts and checking the strength (effectiveness) of mitigation measures:**

1. Make sure you have been given enough information about the project, for example:
  - Where will it go (be placed, be located)?
  - How big is it? How much land does it need?
  - Will there be a fence? And where will it go (be placed, be erected)?
  - How long will it take to construct?
  - Will it be here forever or for a period of time? How many years?
  - What does it look like? What are ALL the parts, including access roads, fences, powerlines?
  - How will it be built?
  - When will it be built?
  - How much water does it need? Where will it get this water from?
  - How much power (electricity) is needed? Where will this power (electricity) come from?
  - What pollution (water pollution, waste, air pollution) will it cause (make)? Where will this pollution or waste go?
  - How many people will be employed during construction? What types of jobs?
  - How many people will be employed during operation? What types of jobs?
2. If you are not given this detail about the project, ask for a proper explanation of the project so you are able to understand it properly. It is suggested you do this early in the EIA process.
3. Ask for a site visit for these things to be physically shown (pointed out) to you on the land.
4. Ask for maps and drawings to be given to you.
5. Ask for all this information to be provided to you in your language.
6. Ask the EAP and specialists to walk through your area to point out all the main features (e.g. houses, graves, graves, fields, churches, schools, special areas, wetlands, water sources, grazing land, how people make their living, etc.). This is to make sure the EAP

and specialists know your area. Without this information, they will not be able to identify all the impacts.

7. Ask for the EAP to provide notices, letters and reports in English AND isiZulu.
8. Ask for hard (paper) copies of these documents so that you can study them properly.
9. Ask for meetings or workshops for the EAP and specialists to explain the reports to you in your mother tongue, in isiZulu.
10. Hold meetings with your neighbours and other members of your community to discuss the impacts and mitigation measures.
11. Submit your comments in writing to the EAP. If you struggle with reading, writing or understanding English, ask for meetings. The EAP must take minutes and record what you say and address your comments in the EIA reports.
12. Ask for feedback on how your concerns and ideas have been included in the EIA report.

***Also see tips on public participation - when and how to participate in the EIA process.***

## **7. LWENZIWE LWANI FUTHI LWENZIWA NINI UCWANINGO LWEZEMVELO ENINGIZIMU AFRIKA? *Why and when are EIAs done in South Africa?***

**Umthethosisekelo weNingizimu Afrika unikeza wonke umuntu ilungelo:**

1. Lokuhlala endaweni ephephile nengenabungozi empilweni.
2. Ukugcina imvelo ivikelekile, ukuze kuzuze isizukulwane samanje nesizayo, ngomthetho ophusile nemizamo ezokwenza ukuthi:-
  - (i) Ukuvikela ukungcoliswa kanye nokucekelwa phansi kwemvelo;
  - (ii) Khuthaza ukongiwa nokuvikelwa kwemvelo; futhi
  - (iii) Ukuthuthukiswa okusimeme kwezemvelo kanye nokusetshenziswa kwemithombo yemvelo kuphinde kukhuthazwe ukuthuthukiswa komnotho nezenhlalakahle efanelekile.

**Lelilungelo litholakala eSigabeni 24 Somthetho Wesisekelo wango 1996.**



Ukuhambisana nomthetho sisekelo, uHulumeni (yenziwe, yashicilelwa, yamenyezelwa) inani ubeke inani lemithetho ukuvikela ezemvelo.

Omunye wemithetho esemqoka uMthetho Kazwelonke Kokuphathwa Kwezemvelo (NEMA), owashicilelwa ngo 1998.

uMthetho Kazwelonke Wokuphathwa Kwezemvelo uphethe amathuluzi asemthethweni okuthi uHulumeni wethu awasebenzise ukuvikela ezemvelo.

Ithuluzi elibalulekile imigomo esemthethweni esigabeni 2 soMthetho Wokuphathwa Kwemvelo okumele isetshenziswe uHulumeni uma ethatha izinqumo ezizothinta imvelo.

Amanye amathuluzi abalulekile iLayisense kanye noCwaningo Lokungenzeka Emvelweni. Isigaba 24F soMthetho Wokuphathwa Kwemvelo uthi akekho umuntu (ngayedwa, imboni, umnyango kaHulumeni, izinhlaka zombuso, omasipala) ongaqala namona yimuphi umsebenzi (ukuthuthukisa, iphrojekthi) esohlwini (echazwe) kusomqulu kaHulumeni ngaphandle kokuthi athole ukugunyazwa ngabezemvelo.

Ukuthola iLayisense, umuntu (ngamunye, imboni okanye umnyango kaHulumeni noma umasipala) kumele afake isicelo sokugunyazwa eziphathimandleni (abathatha izinqumo, abagunyaza ama layisense) ukuze enze Ucwaningo Lokungenzeka Emvelweni.

**Kwenzakalani uma umuntu ezoqala iphrojekthi ngaphandle kokugunyazwa abezemvelo?**

Akuwona wonke amaphrojekthi adinga ukugunyazwa abezemvelo, kodwa lawp okumele bagunyazwe, kumele athole ilayisense ngaphambi kokuqala umsebenzi.

Kuyicala elibomvu kumuntu (ngayedwana, imboni, umnyango kaHulumeni, izinhlaka zombuso, okanye umasipala) ukuqala umsebenzi (iphrojekthi, ukuthuthukiswa) ngaphambi kokuthi aqale ngokuthola ukugunyazwa abazemvelo okusuka kulabo abanamagunya (abagunyazwe ukukhipha amalayisense), futhi lelayisense inganikezwa uma uCwaningo Lokungenzeka Emvelweni selwenziwe.

Uma umuntu eqalisa ukwakha ngaphandle kokugunyazwa ngabezemvelo iphrojekthi esohlwini 1, 2 noma 3, lowo muntu angathathelwa izinyathelo zomthetho ashushiswe ngaphansi kwenkantolo yomthetho. Uma etholakala enecala, lowomuntu angakhokhiswa inhlawulo engaze ifike ku R10 million futhi noma abhadle ejele iminyaka engaze ifinyelele eshumini.

**Uma usola ukuthi intuthuko ayikho emthethweni, bikela Umnyango Kazwelonke Wezamahlathi, Ukudoba, Nezemvelo (DFFE). DFFE unenombolo yamahhala ongayifonela emahoreni angamashumi amabili nane (24) ethi - 0800 205 005 - uma ufuna ukubika ubugebengu kwezemvelo nezehlakalo. Bhalela kule email [envirocrime@dffe.gov.za](mailto:envirocrime@dffe.gov.za).**

Uhlu lwemisebenzi edinga ukugunyazwa abezemvelo lubizwa ngokuthi Uhla Lwezaziso. Sinezinhlobo ezintathu Zohlu Lwezaziso. Uhlu Lwezaziso Lokuqala (1), Uhlu Lwezaziso Lwesibili (2) bese siba noHlu Lwezaziso Lwesithathu (3).

Uma umuntu (ngamunye, imboni, umnyango kaHulumeni, izinhlobo zombuso okanye umasipala) efuna ukufaka isicelo sokugunyazwa kwezemvelo, kufanele enze uCwaningo Lokungenzeka Emvelweni.

Okutholakele (imiphumela) yoCwaningo Lokungenzeka Emvelweni isetshenziswa abanamagunya (njengabathathi bezinqumo emnyangweni kaHulumeni) ukubhekelela ukuthi bagunyaze (bavume isicelo) noma banqabe isicelo sokugunyazwa kwezemvelo.

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**South Africa has a Constitution that gives everyone the right:**

1. To an environment that is not harmful to their health or well-being.
2. To have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that:-
  - (i) prevent pollution and ecological degradation.
  - (ii) promote conservation; and
  - (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

**This right is found in Section 24 of our Constitution of 1996.**

To comply with the Constitution, our Government has made (enacted, published, promulgated) a number of laws to protect the environment.

One of the main laws is the National Environmental Management Act which was published in 1998. We also call this law NEMA for short.

NEMA contains many legal tools for our government to use to protect the environment.

One important tool is the set of principles in Section 2 of NEMA which must be used by the government when making decisions that affect the environment.

Another important tool is licencing and EIAs. Section 24F of NEMA says that no person (individual, company, government department, parastatal, or municipality) may commence (start) any activity, development or project that is listed in the Government Gazette without first getting an environmental authorisation.

To obtain (get) this licence, the person (individual, company or government department, or municipality) must apply to the competent authority (decision-maker, licensing authority) and do an EIA.

**What happens if a person starts a project without environmental authorisation?**

Not all projects need environmental authorisation, but those that do, must get this licence before they start.

It is a criminal offence (a crime) for a person (individual, company, government department, parastatal or municipality) to start an activity (project, development) without having first received environmental authorisation from the competent authority (licensing authority), and this licence can only be given if an EIA has been done.

It is a criminal offence (a crime) for a person (individual, company, government department, parastatal or municipality) to start an activity (project, development) without having first received environmental authorisation from the competent authority (licensing authority), and this licence can only be given if an EIA has been done.

If a person starts construction without environmental authorisation on a project that is listed in Listing Notices 1, 2 or 3, that person can be criminally prosecuted in a court of law. If found guilty, that person can be given a fine of up to R10 million and/or go to jail for a maximum of 10 years.

**If you suspect that a development is illegal, you can report it to the national Department of Forestry, Fisheries and the Environment (DFFE). DFFE has a 24-hour toll free number – 0800 205 005 – for reporting environmental crimes and incidents. The email address is [enviocrime@dffe.gov.za](mailto:enviocrime@dffe.gov.za).**

The lists which describe activities that need environmental authorisation are called listing notices. We currently have 3 listing notices – Listing Notice 1, Listing Notice 2 and Listing Notice 3 (these are described in more detail below).

For a person (individual, company, government department, parastatal or municipality) to apply for environmental authorisation, an EIA has to be done.

The findings of the EIA are used by the competent authority (the government department making the decision) to decide whether to grant (authorise, approve) or refuse (deny) an application for environmental authorisation.

## **8. YENZIWA KANJANI IEIA? *How is an EIA done?***

UCwaningo Lokungenzeka Emvelweni lwenziwa umhlaba wonke kodwa umthetho wethu usitshela (uphoqa thina ekutheni) ukuthi lwenziwe kanjani uCwaningo Lokungenzeka Emvelweni eNingizimu Afrika. Imithetho esemqoka eNingizimu Afrika uMthetho Wokuphathwa Kwemvelo nemigomo yoCwaningo Lokungenzeka Emvelweni. Kukhona futhi inqubomgomo eshicilelwe umnyango obhekelele ezemvelo enikeza izeluleko ngokuthi lwenziwa kanjani uCwaningo Lokungenzeka Emvelweni

Lapha eNingizimu Afrika kunezinhlobo ezimbili zoCwaningo Lokungenzeka Emvelweni:

- 1. Ucwano Lwemvelo Olufushane** (*Basic Assessment*)
- 2. UCwano Lwezemvelo - Umbiko Wokuqoqwa Kwezimvo noMbiko Wemithelela Kwezemvelo** (*Scoping and Environmental Impact Reporting*)

### **EIA Type 1: Uhlobo Lokuqala LoCwano: Ucwano Lwemvelo** (*Basic Assessment*):

Uma umthuthukisi efuna ukwenza nanoma imuphi umsebenzi ocacisiwe Ohlwini Lwezaziso 1 noma Ohlwini Lwezaziso 3, uCwano Lokungenzeka Emvelweni luyadingeka lubizwa ngokuthi Ucwano Lwezemvelo Olufushane. Imsebenzi ebhaliswe ohlwini Lwezaziso 1 ivame ukuba mincane futhi ibhekiswe kumaphrojekthi amancane anemithelela emincanyana. Imisebenzi ebhaliswe Ohlwini Lwezaziso 3 ihlobene namaphrojekthi angaphansana nakakhulu kodwa emvelweni ezweelayo (njengaphakathi noma eduze kwesiqwi, ngasendaweni ephethe amagugu omhlaba noma ngasedamini)

Uhlelo Locwano Lwemvelo olufishane luvamise ukuthatha izinsuku eziwu 197 (okuyizinyanga eziyisithupha nohhafu) kodwa futhi kungathatha isikhathi eside

## **EIA Type 2: Uhlobo Lwesibili LoCwaningo: Ucwaningo Lwezemvelo Olunzulu** *(Scoping and Environmental Impact Reporting):*

Emaphrojekthini amakhulu anemithelela emikhulu, inqubo inezinyathelo ezimbili futhi ibizwa ngokuthi Ukuqagulwa Kwezimvo kanye Nokubika Ngemithelela Yezemvelo. Wonke Lamaphrojekthi abhaliwe Ohlwini Lwezaziso 2.

Umgudu Wokuqoqwa Kwezimvo kanye Nombiko Wemithelela Yezemvelo uthatha izinsuku ezingaba ngu 300 (izinyanga ezi 10) kodwa ungathatha nangaphezulu.

***Lonke uCwaningo Lokungenzeka Emvelweni kumele luhlanganise umphakathi njengengxenye yenqubo. Lokhu kuchazwe kabanzi kulemininingwane engeziwe ngezansi.***

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EIAs are done all over the world but our law tells us how EIAs must be done in South Africa. The main South African laws are NEMA and the EIA Regulations. There are also guidelines published by the Department responsible for the environment that give guidance on how to do an EIA.

In South Africa, there are two different types of EIAs:

- 1. Basic Assessments;** and
- 2. Scoping and Environmental Impact Reporting.**

### **EIA Type 1: Basic Assessment**

If a developer wants to carry out any of the activities described in Listing Notice 1 or Listing Notice 3, the EIA required is called a Basic Assessment. The activities listed in Listing Notice 1 are mostly small and related to small projects with smaller impacts. The activities listed in Listing Notice 3 are related to even smaller projects but in sensitive environments (e.g. inside or next to a game reserve, world heritage site or an estuary).

The Basic Assessment process normally takes about 197 days (6 ½ months) but can take longer.

## **EIA Type 2: Scoping and Environmental Impact Reporting**

For larger projects with bigger impacts, the process has two steps and is called Scoping and Environmental Impact Reporting, also “S&EIR”. These projects are listed in Listing Notice 2.

The Scoping and Environmental Impact Reporting process normally takes about 300 days (10 months) but can take longer.

***All EIAs have to include public participation as part of the process. This is also described in more detail below.***

## **9. UKUBAMBA IQHAZA KOMPHAKATHI *Public Participation***

Umthetho wethu waseNingizimu Afrika udinga ukuthi lonke uCwaningo Lokungenzeka Emvelweni luhlanganise umphakathi. Lokhu kusho amathuba okubambiqhaza (makubekwa imibono futhi kubuzwa imibuzo) kufanele kubekhona kubobonke abantu abanentshisekelo noma abathintekayo ngale phrojekthi ehlongozwayo njengengxenye yenqubo yoCwaningo Lokungenzeka Emvelweni.

**Imigono yoCwaningo Lwezemvelo idinga ukuthi lomphakathi okubalwa:**

- **Isaziso**

Isidingo sokuqala oCwaningweni Lokungenzeka Emvelweni ukuba bonke Abantu Abathintekayo Nabafisa Ukubambiqhaza baziswe (ubatshele) ngephrojekthi ehlongoziwe (ihleliwe, ikusasa, iyafiswa, iyadingeka) nenqubo yoCwaningo Lokungenzeka Emvelweni, futhi uchazele nabantu ukuthi bazolibamba kanjani iqhaza.

- **Ukubhaliswa kwabantu abathintekayo nabafisa ukubambiqhaza**

UChwepheshe Wocwaningo Lwemvelo kudingeka abhalise bonke Abantu Abathintekayo Nabafisa Ukubambiqhaza oCwaningweni Lokungenzeka Emvelweni.

- **Ilungelo lokunikezwa ithuba lokuzwakalisa uvo lwakho**

Bonke Abantu Abathintekayo Nabafisa Ukubambiqhaza banelungelo lokubambiqhaza ezinqubeni zoCwaningo Lwezemvelo futhi bangathumela imibono (izikhalazo) zabo kunoma isiphi isigaba soCwaningo Lokungenzeka Emvelweni, noma ngabe kungephrojekthi, imithelela yayo okanye izinqubo zoCwaningo Lokungenzeka Emvelweni.

Bonke Abantu Abathintekayo Nabafisa Ukubambiqhaza ababhalisile banelungelo lokubeka imibono yabo embikweni eyimihlahlandlela futhi kufanele bakwazi ukuyithola lemibiko. Abantu Abathintekayo Nabafisa Ukubambiqhaza kufanele babe nezinsuku ezisukela ku 30 ukubeka izikhalazo zabo futhi uChwepheshe Wocwaningo Lwemvelo kumele abazise ngezinsuku zokuvala ezibekiwe.

Imibiko ivame ukubhalwa ngeSingisi kodwa umbiko ofinqiwe ngezinye izilimi ungacelwa Abantu Abathintekayo Nabafisa Ukubambiqhaza.

Akusona isidingo esisemthethweni soChwepheshe Wocwaningo Lwemvelo ukubamba imihlangano ngezinqubo zoCwaningo Lokungenzeka Emvelweni nomake abaningi oChwepheshe Bocwaningo Lwemvelo bayayenza, ikakhulukazi uma iphrojekthi inokungavumelani noma abantu abaningi benentshisekelo kuyo.

Umangabe Abantu Abathintekayo Nabafisa Ukubambiqhaza benobunzima (izinselelo) ukufunda nokuqondisisa umbiko obhaliwe, noma ukubamba iqhaza emhlanganweni owenziwa ngokuxhumana emoyeni (njenge Zoom okanye iMicrosoft Teams), uChwepheshe Wocwaningo Lwemvelo kufanele enze umhlangano ukuze ulwazi lwethulwe ngomlomo ngolimi olukhulunywa endaweni. Okunye futhi, Abantu Abathintekayo Nabafisa Ukubambiqhaza bangaletsa izimvo zabo ngomlomo, okufanele ukuthi kuqoshwe uChwepheshe Wocwaningo Lwemvelo.

Ngokujwayelekile, oChwepheshe Bocwaningo Lwemvelo babeka amakhophi ombiko Emtapweni Wolwazi noma emaHhovisisi kamasipala, abasemagunyeni emkhandlwini noma kwezinye izindawo zomphakathi, baphinde benze imiqulu ibekhona ezizindeni zokuxhumana.

Kwesinye isikhathi, lemibiko iyabekwa ezindaweni ezikude nalapho abantu behlala khona futhi kuyabiza ukuyithola. Kuwumbono omuhle ukuthi Abantu Abathintekayo Nabafisa Ukubambiqhaza bacele uChwepheshe Wocwaningo Lwemvelo abenzele amakhophi awumbala. Nomake kungalindelekile ukuthi uChwepheshe Wocwaningo Lwemvelo anikeze umuntu ngamunye ngamunye Othintekayo Nofisa Ukubambiqhaza amakhophi, akufanele banqabe ukunikeza ikhophi laphe iqembu laBantu Abathintekayo Nabafisa Ukubambiqhaza lingakwazi ukwabelana.

- **Ulimi lokuxhumana**

Imigomo yoCwaningo Lokungenzeka Emvelweni ayibaluli ukuthi iluphi ulimi okumele lusetshenziswe uChwepheshe Wocwaningo Lwemvelo uma bexhumana naBantu Abathintekayo Nabafisa Ukubambiqhaza noma uma bebhala umbiko. Uma sekusetshenzwa, ulimi olusetshenziswayo isingisi. Ulimi lwendabuko Kubantu Abathintekayo Nabafisa Ukubambiqhaza nalo kufanele lusetshenziswe uma abantu benobunzima bokuqondisisa, ukukhuluma noma ukufunda isingisi.

- **Izaziso zezinqumo ezithathwe iziphathimandla ezinegunya**

Umfakisicelo kudingeka azise bonke Abantu Abathintekayo Nabafisa Ukubambiqhaza abhalisile ngezinqumo esithathwe iziphathimandla ezinegunya (umnyango kaHulumeni othatha izinqumo) ukuvuma noma aphikisane nokugunyazwa kwezemvelo, futhi nelungelo lokukhalaza ngalesi sinqumo, ngokujwayelekile, uChwepheshe Wocwaningo Lwemvelo izokwenza lokhu yenzela abafakizicelo.

## **AMACEBO OKUBAMBA IQHAZA KUBANTU ABATHINTEKAYO NABAFISA UKUBAMBIQHAZA:**

- 1 Bhalisa uma uqala nje ukuzwa ngephrojekthi ukuze ukwazi ukuthola izaziso zemihlangano, imibiko nomnqamulajuqu wokuphawula. Uma ubhalisile, uzophinde uthole izaziso sezinqumo ezithathiwe ekupheleni kwenqubo yoCwaningo Lokungenzeka Emvelweni. Lapho usungathatha isinqumo sokuthi usifake yini isikhalazo noma ungasifaki.
- 2 Uma unobunzima (izinselelo) ukuqondisisa noma ukufunda umbiko ngesingisi, ungacela uChwepheshe Wocwaningo Lwemvelo ukuthi akunikeze izincwadi nombiko ngolimi lwakho lwendabuko. Futhi ungacela ukuthi imihlangano ibanjelwe emphakathini wangakini noma nesigungu sakho ukuchazelwa okuqokethwe wumbiko.
- 3 Uma ucela imihlangano, kuyadingeka ukuthi uhlongoze izinsuku nezikhathi ezithile lapho iningi labahlali bezotholakala khona. Isibonelo: impelasonto ingaba ngcono lapho iningi labantu bengekho emsebenzini. Ungaphinde ucele imihlangano ukuthi ibanjelwe emphakathini oseduzane nokuthi banihlinzeke ngezithuthi uma indawo iqhelile.



- 4 Cela amakhophi amaminithi omhlangano ukuthi banenzele ngolimi lwakho noma lwendabuko.
- 5 Futhi ungathumela ukuphawula kwakho ngomlomo uma kungaba nobunzima ukuthumela umbono wakho ngokuwubhala.
- 6 Cela ukuthi bakunikeze ulwazi lokuthi izimvo zakho zibhekeleke kanjani oCwanningweni Lokungenzeka Emvelweni.
- 7 Uma uthumela imibono ungasho ukuthi uyavumelana okanye uyaphikisana nephrojekthi kodwa kufanele unikezele ngezizathu zokuthi kungani.
- 8 Cela ekuqaleni kwenqubo yoCwanningo Lokungenzeka Emvelweni ukuthi banihlinzeke ngamakhophi awumbala ombiko anikezwe wena, njengomphakathi noma iqembu noma inhlango.
- 9 Uma kuwuCwanningo Lokungenzeka Emvelweni Olufushane, uzokuba nezinsuku eziwu 30 eziyithuba lokufunda Umbiko Owumhlahlandlela Wocwanningo Lezemvelo ukuze ulethe izimvo.
- 10 Uma kuwuCwanningo Olunezigaba ezimbili, Ukuqoqwa Kwezimvo, Nombiko Wemithelela Emvelweni, uzoba nezinsuku ezisukela ku 30 kuya ku 60 zethuba lokufunda umbiko bese uthumela izimvo. Uzonikezwa isikhathi sokubuyekeza Umbiko Owumhlahlandlela Wokuqoqwa Kwezimvo nesikhathi sokubuyekeza Umbiko Owumhlahlandlela Wocwanningo Lokungenzeka Emvelweni .
- 11 Uma unikezwe umbiko ukuthi uwubuyekeze okwesibili, ungacela uMcwanningi Wezemvelo ukuthi akhombise lapho kwenziwe khona ushintsho.
- 12 Uma uthole imibiko ewumhlahlandlela sekudlule isikhathi noma udinga isikhathi esanele sokufunda umbiko, ungacela ukwalulelwa isikhathi sonqamulajuqu ukuthumela imibono yakho. Uma uChwepheshe Wocwanningo Lwemvelo esuwuthumelile umbiko wokugcina eziphathimandleni ezinegunya, uyalulekwa ukuthi nawe uwuthumele umbono wakho kuChwepheshe Wocwanningo Lwemvelo uphinde uqinisekise ukuthi uyawuthumela eziphathimandleni ezinegunya.
- 13 Nanganoma isiphi isikhathi sokuqhutshwa koCwanningo Lokungenzeka Emvelweni, uma ubona sengathi unqatshelwa ilungelo lakho lokubamba iqhaza ngokunenjongo, ungathumela izikhalazo zakho kuChwepheshe Wocwanningo Lwemvelo. Uma uChwepheshe Wocwanningo Lwemvelo engakuphenduli

ngokugculisayo, ungathumela izikhalazo zakho kumphathi wesicelo oyisikhulu sikaHulumeni angenelele emgudwini woCwaningo Lokungenzeka Emvelweni.

- 14 Kuwumbono omuhle ukucela kuChwepheshe Wocwaningo Lwemvelo ukuthi uma iphrojekthi igunyazwa, kube nekomidi elibhekelele ukwakhiwa nokusebenza kwephrojekthi. Lelikomidi kufanele lifake amalungu omphakathi futhi linikezwe amakhophi ayoyonke imibiko yokubhekelela, ucwaningo mabhuku, izaziso zokuthobeka, imiyalelo kanye nemibiko yezigameko nanoma yiluphi ulwazi olusemqoka ekusebenzisa ilungelo lakho ngokwesigaba 24 somthethosisekelo.
- 15 Cela ikhophi yesinqumo ukuthi inikezelwe ngolimi lwakho futhi akuchazele uma unezingqinamba ekuqondeni lokho okubhaliwe.

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## PUBLIC PARTICIPATION

Our South African law requires that ALL EIAs include public participation. This means that opportunities to participate (make comments and ask questions) must be provided to all persons who may be interested or affected by a proposed project as part of the EIA process.

**Specifically, the EIA Regulations require that public participation includes:**

- **Notification**

One of the first requirements in the EIA is to identify all Interested and Affected Parties (I&APs) and notify (tell) them about the proposed (planned, future, desired) project and the EIA process, and explain to people how they can participate.

- **Registration of I&APS**

The EAP is required to register ALL I&APs who choose to participate in the EIA process.

- **Right to meaningful opportunity to comment**

All I&APs have a right to participate in an EIA process and may submit comment at any stage during the EIA, either about the project, its impacts or the EIA process.

All registered I&APs have the right to comment on the draft reports and must be given access to these reports. I&APs must have a minimum of 30 days to comment and the EAP should inform you of this deadline.

The reports are usually in English but summaries in other languages can be requested by I&APs.

It is not a legal requirement for EAPs to hold meetings in the EIA process although many EAPs do, especially if a project is controversial or many people are interested in it.

However, if I&APs have difficulty (challenges) in reading or understanding a written report, or participating in an on-line meeting (e.g. Zoom or Microsoft Teams) the EAP should hold a meeting in person so that the information can be presented verbally in the language locally spoken and also so that I&APs can submit their comments verbally, which must be recorded by the EAP.

Often EAPs place copies of the reports in libraries or at the offices of municipalities, traditional councils or at other public places and make the documents available on their website.

Sometimes, these reports are located far away from where people live and are very expensive to download and print. It is a good idea for I&APs to ask that EAPs provide printed colour copies to them. Although an EAP cannot be expected to provide every single I&AP with their own copy, they should not refuse a request where a group of I&APs is able to share a copy.

- **Language**

The EIA Regulations do not specify what language must be used by the EAP when communicating with I&APs or when writing reports. In practice, the language that is used is English. However, the mother tongue of I&APs should also be used where people have difficulty in understanding, speaking or reading English.

- **Notification of decision made by the competent authority**

The applicant is required to inform all registered I&APs about the decision made by the competent authority (government department making the decision) to approve or refuse environmental authorisation, and the right to appeal this decision. Normally, the EAP will do this for the applicant.

## Public participation tips for I&APs:

- 1 Register when you first hear about a project so that you receive all notifications of meetings, reports and deadlines to comment. If you are registered, you will also receive notice of the decision which is made at the end of the EIA process. You can then decide whether or not to appeal the decision.
- 2 If you have difficulty (challenges) understanding or reading reports in English, you can request that the EAP provides you with correspondence and reports in your mother tongue. You can also ask that meetings are held in your community or with your group to explain the contents of the reports in person.
- 3 When requesting meetings, you may want to suggest specific days and times when most residents will be available. For example, weekends may be better if most people are away at work during the week. You may also want to request that the meeting is held close to the community or that transport is provided if the venue is far away.
- 4 Ask for copies of the minutes to be provided to you in your home language (mother tongue).
- 5 You can also submit your comments verbally if you have difficulty in submitting comments in writing.
- 6 Ask for feedback on how your comments have been addressed in the EIA reports.
- 7 When submitting comments you can say whether you support or object to the project but you should also give your reasons why.
- 8 Request at the beginning of the EIA process that a full-colour printed paper copy of the reports is provided to you as a community or group or association.
- 9 If the EIA is a Basic Assessment, you will have a minimum of ONE 30-day opportunity to read the draft Basic Assessment reports and submit your comments.
- 10 If the EIA is Scoping & EIR, you will have a minimum of TWO 30-day opportunities to read the reports and submit your comments – one comment period for the draft Scoping Report and the other for the draft EIA report.
- 11 If the reports are provided for a second round of comments, you should ask the EAP to tell you which parts of the reports have been changed to make it easier for you to decide if you need to submit more comments.
- 12 If you receive the draft reports late or you need more time to read them, you should ask for an extension of the deadline for submitting your comments. If the EAP has already submitted the final report to the competent authority, it is still advised that

you submit your comments to the EAP as well as directly to the competent authority.

- 13 If at any time during the EIA process, you believe that you are being denied your rights to participate meaningfully, you can submit your grievances to the EAP. If the EAP does not respond adequately, you can submit your grievances to the case officer who is the government official in charge of the EIA process.
- 14 It is a good idea to request in your comments submitted to the EAP that if the project is approved, one of the conditions is that a monitoring committee is set up for construction and operation of the project which must include members of the community and which must be given copies of all monitoring reports, audits, compliance notices, directives and incident reports and any other information necessary for you to exercise your right in terms of Section 24 of the Constitution.
- 15 Ask for a copy of the decision to be provided in your own language and a verbal explanation of it, if you have difficulty in reading it or understanding it.

## **10. UKUNIKEZWA ILAYISENSI YEZEMVELO NEMITHETHO EYENGAMELE UCWANINGO LOKUNGENZEKA EMVELWENI** *Environmental Licencing and EIA Laws*

**Lena imithetho esemqoka ecacisa ngokuthi amaphi amalayisensi adingekayo, kumele enziwe kanjani oCwaningweni Lokungenzeka Emvelweni nokuthi zithathwe kanjani izinqumo.**

### **Imithetho esemqoka elawula Ucwangingo Lokungenzeka Emvelweni:**

- Umthetho Wokuphathwa Kwezemvelo kaZwelonke wesigaba 107 yango 1998 (ichitshiyelwe)
- Umthetho Wokulawula Ukuhlolwa Kwemithelela Yezemvelo yoCwaningo Lokungenzeka Emvelweni), 2014 (uchitshiyelwe)
- Isaziso sohlu lomthetho woCwaningo Lokungenzeka Emvelweni 1 sango 2014 (uchitshiyelwe)
- Isaziso sohlu lomthetho woCwaningo Lokungenzeka Emvelweni 2 sango 2014 (uchitshiyelwe)
- Isaziso sohlu lomthetho woCwaningo Lokungenzeka Emvelweni 3 sango 2014 (uchitshiyelwe)
- Isigaba 24 semithethonqubo yegunya lokubhalisa, 2016 (uchitshiyelwe)
- Umthethonqubo Kazwelonke Wokudlulisa Izikhalazo, 2025

**Imigomo ejwayelekile:**

- Imigomo Yokubambiqaza Komphakathi, 2017
- Imigomo Yezidingo Nezifiso, 2017

**Imithetho Eyengeziwe Yemisebenzi Yokulawulwa Kwemfucuza:**

- Umthetho kaZwelonke Wezemvelo Wokulawula Imfucuza Isigaba 59 wango 2008 (uchitshiyelwe)
- Uhla Lwemisebenzi Yokulawula Imfucuza, 2013 (uchitshiyelwe)

**Imithetho eyengeziwe yamaprojekhti ezimbiwa:**

- Umthetho Wokuhlinzekwa Kwezimali, 2015 (uchitshiyelwe)
- Imithethonqubo emayelana nokuphathwa kwezinqwaba zezinsalela namadiphozithi nezinsalelo (uchitshiyelwe)

**Imithetho eyengeziwe yokulayisensa umoya ococekile:**

- Umthetho Wezemvelo kaZwelonke: Wezomoya Ococekile isigaba 39 sango 2014 (uchitshiyelwe)
- Uhla lwemisebenzi eholela ekukhiqizekeni noma ekukhipheni igesi noma imisebe iyikhiqizela emkhathini, 2013 (uchitshiyelwe)

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## **Environmental Licencing and EIA Laws**

**These are the main laws that say what environmental licences are needed, how EIAs must be done and how decisions must be made.**

**Main laws regulating EIA:**

- National Environmental Management Act 107 of 1998 (amended)
- Environmental Impact Assessment (EIA) Regulations, 2014 (amended)
- EIA Regulations Listing Notice 1 of 2014 (amended)
- EIA Regulations Listing Notice 2 of 2014 (amended)
- EIA Regulations Listing Notice 3 of 2014 (amended)
- Section 24 Registration Authority Regulations, 2016 (amended)
- National Appeal Regulations, 2025

**General EIA guidelines:**

- Public Participation Guidelines, 2017
- Need and Desirability Guidelines, 2017

**Additional laws for waste management activities:**

- National Environmental Management: Waste Act 59 of 2008 (amended)
- List of Waste Management Activities, 2013 (amended)

**Additional laws for mining projects:**

- Financial Provisioning Regulations, 2015 (amended)
- Regulations regarding the Planning and Management of Residue Stockpiles and Residue Deposits, 2015 (amended)

**Additional laws for air quality licensing:**

- National Environmental Management: Air Quality Act 39 of 2004 (amended)
- List of activities which result in atmospheric emissions, 2013 (amended)

## **11. KUBIKA ABANGATHOBELI UMTHEHO** *Reporting non-compliance*

Kunoma yisiphi isigaba sokwakhiwa, esokusebenza noma sokuvala, uma ucabanga ukuthi iphrojekthi ayahambisani nezimo zokugunyazwa kwezemvelo noma Uhlelo Lokuphathwa Kwemvelo, Uhlelo Lokuvala, noma ucabanga ukuthi umthuthukisi akenzi imizamo eyanele ukuvikela ukucekeleka phansi okukhulu nokungcoliseka kwemvelo, ungabika eziphathimandleni noma amaphoyisa abhekele ezemvelo (aphinde aziwe ngamaGreen Scorpions).

**Umnyango kaZwelonke Wezamahlathi, Wezokudoba kanye Nezemvelo (DFFE)** banenamba ongaxhumana nabo ngayo mahhala ethi - 0800 205 005 - isebenza amahora angu 24 noma uthumele kuleemail [envirocrime@dffe.gov.za](mailto:envirocrime@dffe.gov.za).

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If at any stage during construction, operation or closure you do not think the project is complying with the conditions of the environmental authorisation or approved EMP or Closure Plan, or if you think the developer is not taking reasonable measures to prevent significant environmental degradation or pollution, you can report this to the Environmental Management Inspectorate (EMI), also known as the Green Scorpions.

**The National Department of Forestry, Fisheries and the Environment (DFFE) has a 24-hour toll free number – 0800 205 005 – for reporting environmental crimes and incidents. The email address is [envirocrime@dffe.gov.za](mailto:envirocrime@dffe.gov.za).**

## **12. SIYABONGA** *Thank you*

Siyabonga ku IAIA no OSF- SA ngokuxhasa ngezimali le projekthi, nakubo All Rise, Wakhiwe kanye no IAIA ngokushicilela bahumushe lomqulu Wocwaningo Lokungenzeka Emvelweni, nabo bonke ochwepheshe ababhekene nocwaningo namalunga omphakathi ababe yingxenywe kulomsebenzi wokufundisa.

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